



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 15856B

PERMIT 9963

LICENSE 7064B

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**THIS IS TO CERTIFY, That**

Maria Nicholas Kelly  
6918-75<sup>th</sup> Street So. West  
Tachoma, WA 98498

Has the right to use waters of (Natomas) Cross Canal in Sutter County tributary to Sacramento River  
for the following purposes: Irrigation and Stockwatering uses

Amended License 7064B supersedes the license originally issued on November 6, 1964, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of Permit 9963. The priority of this right dates from April 30, 1954. Proof of maximum beneficial use of water pursuant to Application 15856 was made as of November 27, 1961.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed 11.77 cubic feet per second to be diverted from March 15 to November 15 (irrigation) and January 1 to December 31 (stockwatering) of each year. The maximum diversion under this license shall not exceed 4,272 acre-feet per year. The total amount of water diverted under this license and License 6389D2 shall not exceed 5033 acre-feet per year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with other vested rights and instream beneficial uses; and provide further that all terms and conditions protecting instream beneficial uses to be observed.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION IS LOCATED:**

- (A) North 900 feet and West 1,700 feet from the SE corner of projected Section 23, T11N, R3E, MDBM, being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section. Also described as California Coordinate System of 1927, Zone 2, N 406,000 and E 2,113,000.
- (1) South 18° 00' East 1,000 feet from the NW corner of projected Section 24, T11N, R3E, MDB&M, being within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SAID SECTION. ALSO DESCRIBED AS CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 2, N 409,550 AND E 2,114,809.

By California Coordinate System of 1927, Zone 2, North 409,550 feet and East 2,114,809 feet, being within NW¼ of NW¼ of projected Section 24, T11N, R3E, MDB&M.

**THE POINTS OF REDIVERSION ARE LOCATED:**

- (7) By California Coordinate System of 1927, Zone 2, North 415,279 feet and East 2,114,663 feet, being within NW¼ of NW¼ of projected Section 13, T11N, R3E, MDB&M.
- (10) By California Coordinate System of 1927, Zone 2, North 423,790 feet and East 2,116,150 feet, being within NE¼ of SW¼ of projected Section 1, T11N, R3E, MDB&M.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

152.0 acres within projected Section 2, T11N, R3E, MDB&M  
456.0 acres within projected Section 11, T11N, R3E, MDB&M  
218.0 acres within projected Section 14, T11N, R3E, MDB&M  
826.0 acres total as shown on map dated March 1988 on file with the SWRCB and identified by County Assessor's office as APN 34-130-003, 34-130-004, 34-140-005, and 34-080-004.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken

pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stone4s. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by their Chief of the Division of Water Rights.

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This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county.

municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: **JAN 05 2001**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights